

840 CMR 10.00: STANDARD RULES FOR DISABILITY RETIREMENT

10.17: Evaluation For Rehabilitation Pursuant to M.G.L. c. 32, § 8(1)(a)

- (1) The Commission, may require any member retired for disability under the provisions of M.G.L.c. 32, §§ 6 and 7 to participate in an evaluation to determine whether the member is able to perform the essential duties of the position from which he retired or a similar job within the same department for which he is qualified without a medical or vocational rehabilitation program, or whether such member's return to his former or similar job within the same department would likely be expedited by participation in a medical or vocational rehabilitation program. The retirement board shall provide such information as the Commission shall require to assist it in determining whether a member shall be required to participate in a rehabilitation evaluation.
- (2) The Commission may require an evaluation once per year during the first two year period next succeeding the date of retirement and once in each three year period thereafter, or at any time upon the written request by any disability retiree. The Commission may excuse a member from an evaluation if it determines that such examination is unwarranted based on the catastrophic nature of the member's illness or injury. Any such determination must be in writing. No member will be evaluated more frequently than once in any 12 month period.
- (3) If the Commission determines that a retiree's return to active service might be expedited by participation in a medical or physical rehabilitation program, the retiree will be required to participate in a rehabilitation evaluation. The Commission shall schedule an appointment or appointments with rehabilitation evaluation specialists. The member shall be given 14 days notice of the time(s) and place(s) of the evaluation(s). Notice shall also be given to the retirement board.
- (4) A rehabilitation evaluation shall include mental or physical examinations, vocational testing, meetings, and consultations with medical professionals, including the member's treating physician and vocational rehabilitation counselors as determined necessary by the rehabilitation evaluation specialist
- (5) If a retired member refuses, without good cause to submit to any evaluation, the Commission shall notify the appropriate retirement board and his rights in and to the pension provided for in M.G.L. c. 32, §§ 6 and 7 shall promptly be terminated by the board. The member shall first be given written notice and an opportunity to be heard by the board with respect to such termination.